IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19182 of 2004

Between:

K.Suryanarayana,

s/o Sri K.Yerrannaidu,
Talavaram Village,

Veeraghattam Mandal,

Srikakulam District

..... PETITIONER

AND

1 The Transmission Corporation of Andhra Pradesh limited,
rep.by its Chair Person and Managing Director,

Vidyut South,

Hyderabad
2 The Chairman & Managing director,

AP.E.P.D.C.L.,
Visakhapatnam
3 The Superintending Engineer Operation Circle,

E.P.D.C.L.,
Srikakulam 532 001.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction particularly one in the nature of writ of Mandamus, declaring the action of the Respondents in not considering the case of the petitioner

to the posts of Junior Linemen sanctioned vide T.O.O.(CGM.HRD) Ms.No.262 (Personal Services) dt. 10/02/2004 issued by the 1st respondent, despite the fact that the petitioner was already interviewed and having the requisite qualification, as being arbitrary, illegal and violative of Article 14 of the Constitution of India and consequently direct the respondents to consider the case of the petitioner to the posts of Junior Linemen as sanctioned in the above order.

Counsel for the Petitioner: Mr. M.VISWANADHAM

Counsel for the Respondents: Mr. M.V.SUBBA RAO

The Court made the following :

The petitioner worked as a contract labour in the respondent-Corporation from 1-1-1991 to 31-12-1997. He contends that he is eligible for appointment as a junior Lineman and he is entitled to be considered in the 50% of the vacancies meant for contract labours. The respondents did not consider his candidature though he was called for interview for the post of junior Lineman and got qualified in the year, 1999. The petitioner further submits that the respondents issued an order on 23-7-1999 stating that his case is under process and he was asked to wait for further communication from the respondents, but he did not receive any communication till now. The petitioner further submits that forty four posts of junior Linemen have been created by the respondent-corporation vide T.O.O. (CGM-HRD) Ms.No.262 (Personal Services) dated 10-2-2004. He therefore, approached this Court seeking a direction to the respondent to consider his case for appointment as a junior Lineman.

There cannot be any direction to the respondent to consider the case of the petitioner alone, without any process of recruitment. Whenever there is a notification for recruitment, it is for the petitioner to make an application and it is for the respondent to verify whether the petitioner is eligible for consideration to the post of junior Lineman. On such satisfaction, they have to pass appropriate orders making selection of the candidates for the posts notified.

In the light of the above circumstances, there cannot be any specific direction to the respondent to appoint the petitioner as a junior Lineman whenever the petitioner

makes an application in response to the notification that is likely to be issued for filling up the vacancies of junior Linemen, the respondents are directed to consider the case of the petitioner along with the other eligible candidates for such posts and pass appropriate orders according to rules.

The Writ Petition is accordingly disposed of.

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(Dr. G.YETHIRAJULU,J)

14th October, 2004.

Tsy/cs

To

1 The Chair Person and Managing Director,

Transmission Corporation of Andhra Pradesh limited,
Vidyut South,

Hyderabad.

2 The Chairman & Managing director,

AP.E.P.D.C.L.,
Visakhapatnam.

3 The Superintending Engineer Operation Circle,

E.P.D.C.L.,
Srikakulam 532 001.

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